

**SPECIAL USE PERMIT-0015-2012. Stewart Family Subdivision
Staff Report for the December 11, 2012, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Board of Supervisors:

Building F Board Room; County Government Complex

December 11, 2012, 7:00 p.m.

SUMMARY FACTS

Applicant:	Tracie Woodward, daughter of property owners
Land Owners:	William and Carol Stewart
Proposal:	Family subdivision resulting in two new lots that are less than three acres in size
Location:	9484 Richmond Road
Tax Map/Parcel No.:	0240100042
Parcel Size:	Current lot size: ± 7.87 acres Proposed Parcel No. 1 (parent parcel): 5.8 acres Proposed Parcel No. 2: 1.0 acres Proposed Parcel No. 3: 1.0 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside

STAFF RECOMMENDATION

Staff finds the proposal to be consistent with the surrounding development and Section 19-17 of the Subdivision Ordinance. Staff recommends the Board of Supervisors approve this Special Use Permit (SUP) with the conditions listed in the attached resolution.

Staff Contact:	Luke Vinciguerra, Planner I	Phone: 253-6783
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PROJECT DESCRIPTION

Ms. Tracie Woodward, the property owners' daughter, has applied on behalf of William and Carol Stewart for an SUP to allow a family subdivision resulting in two lots less than three acres in size. An SUP is required because the proposed lots will be less than three acres. The proposal is to subdivide a ± 7.87 -acre parcel into three lots; the two new lots would be given to the owners' son and daughter.

There are currently no structures on the property; William and Carol Stewart currently reside in New Kent County. As the parcel is outside the Primary Service Area (PSA), the applicant would need to demonstrate soil adequacy and space for drainfields and wells for each proposed parcel before plat approval. Access for all three lots would be from a shared access easement.

The property has been in a trust for approximately 20 years with the current owners as the trustees. Properties owned by trusts are not eligible for a family subdivision. In October 2012, the trust was dissolved and William and Carol Stewart became the owners of the property. While the draft subdivision ordinance currently under consideration by the Board requires property ownership for five years prior to Board consideration of a Family Subdivision, staff finds that the property is eligible for Board consideration under the currently adopted subdivision regulations and not in conflict with other recently approved subdivisions.

Surrounding Zoning and Land Use

The property is surrounded by A-1, General Agriculture, land that is designated Rural Lands on the 2009 Comprehensive Plan. Existing uses are residential, agricultural, or vacant parcels. Though the majority of parcels in the vicinity are large (5+ acres), there are a number of smaller parcels (around one acre) immediately southeast that have a residential use. The proposed lot arrangement, when developed would not be viewed as inconsistent with adjacent development.

PUBLIC UTILITIES

Environmental Impacts

Watershed: Diascund Creek

Engineering and Resource Protection Staff Comments: The Engineering and Resource Protection Division has reviewed the proposal and has no comments at this time.

Virginia Department of Health Comments: Both new lots will be served by private well and septic. Well and soils information will need to be approved by the Health Department before plat approval.

COMPREHENSIVE PLAN

The site is located outside the PSA and is designated as Rural Lands on the 2009 Comprehensive Plan Land Use Map. Recommended primary uses in the Rural Lands include agricultural and forestal activities and public or semi-public institutions that require a spacious site. Recommended residential uses include single-family developments as low-density and small-scale rural clusters. Such developments should be compatible with the natural and rural character of the area and be in accordance with the Rural Lands Development Standards provided in the Comprehensive Plan.

Staff Comments: The creation of two additional lots is not in conflict with the rural character of the area, is compatible with immediately adjacent lot sizes and land uses, and is compatible with other family subdivisions approved by the Board of Supervisors. The proposed family subdivision does not represent a large-scale residential development and will not negatively impact any agricultural or forestal uses.

RECOMMENDATION

Staff finds the proposal to be consistent with the surrounding zoning and development and with the 2009 Comprehensive Plan. Staff recommends the Board of Supervisors approve this SUP with the conditions listed in the attached resolution.

Luke Vinciguerra

CONCUR:

Allen J. Murphy, Jr.

LV/nb
Sup15-12Stewart

ATTACHMENTS:

1. Resolution
2. Location Map
3. Family Subdivision Plat Exhibit
4. Family Subdivision Affidavit No. 1
5. Family Subdivision Affidavit No. 2